

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10CV239

JAMES S. MORRIS,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
ABC CORP. d/b/a GOODYEAR WHOLESALE)	
TIRE CENTER,)	
)	
Defendant.)	
)	

This matter is before the court upon Defendant's Motion to Dismiss (dkt. # 4), Plaintiff's Motion for Enlargement of Time for Service of Process (dkt. # 7), Motion to Amend the Complaint (dkt. # 9), and Motion to Strike Defendant's Motion to Dismiss (dkt. # 10).

The *pro se* Plaintiff herein filed his Complaint on May 26, 2010, alleging violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.* Plaintiff thereafter failed to timely serve the Defendant with the Summons and Complaint within 120 days, as required by Rule 4(m). Plaintiff responds that he attempted in good faith to serve the Defendant prior to the expiration of the 120 day period. Pursuant to Rule 4(m), the court may order that service be made within a specified time. Accordingly,

IT IS FURTHER ORDERED that Plaintiff's Motion to Amend the Complaint to reflect the proper name of the Defendant is hereby GRANTED; and

IT IS THEREFORE ORDERED that proper service of the Amended Summons and Complaint be made upon the Defendant within twenty days of the date of entry of this Order. Defendant's Motion to Dismiss will be held in abeyance during this time;

IT IS FURTHER ORDERED that Plaintiff's Motion to Strike is hereby DENIED.

Signed: December 6, 2010



Graham C. Mullen
United States District Judge

